

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, JANUARY 12TH, 2005
AT 7:00 P.M.

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
54111 BROUGHTON ROAD
MACOMB, MICHIGAN 48042

PRESENT: JOHN D. BRENNAN, SUPERVISOR
MICHAEL D. KOEHS, CLERK
MARIE MALBURG, TREASURER
TRUSTEES: DINO F. BUCCI, JR.
JANET DUNN
ROGER KRZEMINSKI
NANCY NEVERS

ABSENT: NONE

Also in attendance: Jerome R. Schmeiser, Community Planning Consultant
Larry Dloski, Township Attorney
James Van Tiflin, Township Engineer of Spalding DeDecker &
Associates. (Additional attendance record on file with Clerk)

Call Meeting to Order

Supervisor BRENNAN called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

1. Roll Call

Clerk KOEHS called the roll. All members present.

2. Approval of Agenda Items (with any corrections)

MOTION by BUCCI seconded by MALBURG to approve the amended agenda as discussed.

MOTION carried.

Supervisor BRENNAN introduced and welcomed Sergeant John Glass along with Lieutenant Gary Paoletta, who is the new commander of the Macomb Township sub station. Mr. BRENNAN informed the Board and audience that this will be the last meeting for Ms. Katie Stout. Ms. Stout is a reporter from the Voice newspaper. Mr. BRENNAN thanked Ms. Stout for all her efforts and wished her well with her new assignment.

3. Approval of Bills

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MOTION by DUNN seconded by NEVERS to approve the bills as submitted.

MOTION carried.

4. Approval of the December 22nd, 2004 previous Meeting Minutes

MOTION by BUCCI seconded by KRZEMINSKI to approve the December 22nd, 2004 previous meeting minutes as submitted.

MOTION carried.

5. CONSENT AGENDA ITEMS:

5A. Clerks Department:

1. Approve Release of Wall Sign Bond; Pro-Quality Flooring; Permanent Parcel No. 08-31-300-025
2. Approve Release of Wall Sign Bond; State Farm (T & K Real Estate Group LLC); Permanent Parcel No. 08-36-353-035
3. Approve Release of Wall Sign Bond; El Charro Restaurante; Permanent Parcel No. 08-36-353-035
4. Approve Release of Monuments & Irons Bond; Beaufait Farms Phase II; Permanent Parcel No. 08-35-100-007
5. Approve Release of Monuments & Irons Bond; Beaufait Farms Phase III; Permanent Parcel No. 08-35-100-007
6. Approve Release of Ground Sign Bond; FEC Fastening Automation (Units 17 & 18 Quadrate Industrial); Permanent Parcel No. 08-18-475-008

MOTION by DUNN seconded by MALBURG to approve the consent agenda items as submitted.

MOTION carried.

6. Public Comments (Non Agenda items only - 3 minute time limit) None

PUBLIC HEARING:

7. **Special Assessment District; Street Lighting; Harmony Acres Subdivision;**
Located on the south side of 24 Mile Road, ¾ mile east of Romeo Plank Road.
Joe VanHaverBeck, Petitioner. Permanent Parcel No. 08-16-200-014

Supervisor BRENNAN opened the Public Hearing at 7:04 p.m. and reviewed the request for street lighting.

Public Portion: None

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MOTION by KRZEMINSKI seconded by KOEHS to close the public hearing.

MOTION carried.

MOTION by KRZEMINSKI seconded by MALBURG to approve the Special Assessment District; Street Lighting; Harmony Acres Subdivision; Permanent Parcel No. 08-16-200-014 resolution as follows:

FOR THIS MOTION: KRZEMINSKI, MALBURG, BUCCI, NEVERS, DUNN, KOEHS, BRENNAN.

OPPOSED: NONE

ABSENT: NONE

Street Lighting Harmony Acres Subdivision

RESOLUTION ORDERING ESTABLISHMENT

OF STREET LIGHTING DISTRICT

Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, Michigan, held in the Township Hall in said Township on January 12, 2005, at 7:00 P.M., Eastern Standard Time.

PRESENT: John D. Brennan, Michael D. Koehs, Marie E. Malburg, Janet Dunn, Dino F. Bucci, Jr., Roger Krzeminski, Nancy Nevers.

ABSENT: None.

The following preamble and resolution were offered by Member KRZEMINSKI and supported by Member MALBURG.

WHEREAS, pursuant to 1989 PA 80 (the "Act"), the Township Board is empowered to establish a Special Assessment for the installation and maintenance of street lighting on its motion or upon the submission of petitions as prescribed in the Act; and

WHEREAS, the Township Board has determined that the installation of a street light or lights illuminating street serving lands described in Exhibit "A" is necessary to preserve the public health; and

WHEREAS, the Township Board desires to establish a Special Assessment District obligating the benefited owners to pay for the cost of installation and operation of street lighting; and WHEREAS, a public hearing for the establishment

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of a Special Assessment District for street lighting was held coincident with this meeting and was prefaced by published and mailed notice as required by the Act and 1962 PA 162.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF
THE TOWNSHIP OF MACOMB, MACOMB COUNTY, MICHIGAN:**

1. It is hereby directed that a street light or lights shall be installed at Harmony Acres Subdivision, which will illuminate streets, serving and benefiting the lot(s) and/or parcel(s) of land described in Exhibit "A".

2. A Special Assessment District consisting of the lot(s) and parcel(s) described in Exhibit "A" is hereby established and the cost for installation of said street lights(s) and all future electrical service be levied against the parcel(s) and/or lot(s) so described in direct proportion to the benefit conferred.

3. The annual electrical service charge is Thirteen Thousand Fifteen dollars and 53/100 (\$13,015.53). Three times the annual cost is Thirty Nine Thousand forty six dollars and 59/100 (\$39,046.59). Total project cost is One Hundred Seven Thousand Nine Hundred Forty Seven dollars and 89/100 (\$107,947.89). The petitioner contribution amount is Sixty Eight Thousand Nine Hundred One dollars and 30/100 (\$68,901.30). The Townships at large contribution is zero dollars and 00/100 (\$0.00).

4. The Township Board shall hereafter annually determine the amount to be assessed in the district for lighting and shall direct the assessor to levy this amount. The assessment may be made either in a special assessment roll or in a column provided in the regular tax roll. The assessment shall be spread and become due and be collected at the same time as the other Township taxes are assessed, levied and collected and shall be returned in the same manner for nonpayment.

AYES: KRZEMINSKI, MALBURG, BUCCI, NEVERS, DUNN, KOEHS,
BRENNAN.

NAYS: NONE.

RESOLUTION DECLARED ADOPTED.

**MICHAEL D. KOEHS, CMC
MACOMB TOWNSHIP CLERK**

SAD, Street Lighting, Harmony Acres Subdivision

EXHIBIT "A"

**LEGAL DESCRIPTION OF
SPECIAL ASSESSMENT LIGHTING DISTRICT**

A parcel of land in the NE ¼ of Section 16, T.3N., R.13E., Macomb Township, Macomb County, Michigan described as:

Commencing at the N. ¼ Corner Section 16; thence N.88°03'50"E., 110.00 feet along ht N. line of Section 16 and the centerline of 24 Mile Road to the Point of Beginning; thence continuing along said line N.88°03'50"E., 723.31 feet; thence S.01°58'01"E., 1318.61 feet (1320 feet record) thence S.87°48'01"W., 165.20 feet (165 feet record); thence S.01°57'54"E., 1352.64 feet (1353.31 feet record) to a point on the E.-W. ¼ line Section 16 on the N. line of "Indian Pointe Subdivision#2" as recorded in >130, P.8-13 of the M.C.R.; thence along said line S.88°00'34"W., 662.97 feet (663.35 feet record) to the Center Post Section 16; thence along the N.-S. ¼ line Section 16 N.02°04'34"W., 2472.65 feet; thence N.88°03'50"E., 110.00 feet; thence N.02°04'34"W., 200.00 feet to the Point of Beginning. Containing 45.328 acres. Subject to the rights of the public for highway purposes for 24 Mile Road along the N. line and all other easement of record.

Pre-Printed Portion of document
drafted by:

Lawrence W. Dloski
SEIBERT AND DLOSKI, PLLC
59 N. Walnut, 202 Vicant Building
Mt. Clemens, MI 48043

AFTER RECORDING RETURN TO: Michael D. Koehs
Macomb Township Clerk
54111 Broughton Road
Macomb, MI 48042

RESOLUTION DECLARED ADOPTED.

PLANNING COMMISSION:

8. **Rezoning; Residential One Family Urban (R-1) to Office Low Rise (O-1);**
Located on the east side of North Avenue and south of 21 Mile Road; Eddie Jawad, Petitioner. Permanent Parcel No. 08-36-101-007.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for denial.

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Petitioner Present: None

Public Portion: None

MOTION by DUNN seconded by BUCCI to follow the recommendation of the Planning Commission to deny the request to rezone the property from Residential One Family Urban (R-1) to Office Low Rise (O-1) Permanent Parcel No. 08-36-101-007 specifically noting the reasons, that the proposed rezoning is inconsistent with the goals of the Master Plan; the proposed rezoning is inconsistent with the development of the surrounding properties; a residence currently exists on the property; the rezoning of the property would create a non-conforming use and a residence is not allowed in an O-1 zone.

MOTION carried.

9. **Rezoning; Agricultural (AG) to Residential One Family Urban (R-1);**
Located north of 22 Mile Road approximately 345' east of future Garfield Road;
GTR Builders, Petitioner. Permanent Parcel No. 08-20-300-002.

Table indefinitely at the request of the petitioner.

10. **Rezoning; Agricultural (AG) to Residential One Family Urban (R-1);**
Located north of 22 Mile Road and east of future Garfield Road; GTR Builders,
Petitioner. Permanent Parcel No. 08-20-300-013.

Table indefinitely at the request of the petitioner.

11. **Rezoning; Agricultural (AG) to Residential One Family Urban (R-1);**
Located on the south side of 24 Mile Road, 1 mile east of Romeo Plank Road;
Thomas Bernasconi Trust, Petitioner. Permanent Parcel No. 08-16-100-015.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner: Not present

Public Portion: None

MOTION by DUNN seconded by NEVERS to approve the petitioner's request to rezone the property from Agricultural (AG) to Residential One Family Urban (R-1); Permanent Parcel No. 08-16-100-015.

MOTION carried.

OLD BUSINESS:

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12. Request to authorize the Township Attorney to defend condemnation complaint for the Road Commission of Macomb County.

Supervisor BRENNAN reviewed the request and recommended approval.

MOTION by KOEHS seconded by KRZEMINSKI to authorize Larry Dloski, Township Attorney, to defend the Township in the condemnation complaint for the Road Commission of Macomb County (RCMC).

MOTION carried.

13. Request to authorize the Township Attorney to defend L & M Macomb LLC v Township of Macomb

Supervisor BRENNAN reviewed the request and recommended approval.

MOTION by DUNN seconded by MALBURG to authorize Larry Dloski, Township Attorney, to defend the Township in the L & M Macomb LLC litigation.

MOTION carried.

14. Request to authorize the Township Attorney to defend Sims Road Industrial, LLC v Township of Macomb

Supervisor BRENNAN reviewed the request and recommended approval.

MOTION by KRZEMINSKI seconded by NEVERS to authorize Larry Dloski, Township Attorney, to defend the Township in the Sims Road Industrial, LLC litigation.

MOTION carried.

NEW BUSINESS:

15. Review of Engineering Plan Review Fees

James Van Tiflin, Township Engineer of Spalding DeDecker Associates, reviewed the annual request and the recommendation to increase the CPI to the current-year number.

Public Portion: None

MOTION by DUNN seconded by MALBURG to approve the request for the Township Engineers, Spalding DeDecker Associates Inc., and adjust the current-year Consumer Price Index CPI number plan review fee to the current 2005

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number (553.92) and authorize the Township Water and Sewer Department to begin using the current CPI for computing fees. Effective Date: 01-13-05

MOTION carried.

16. Request to Schedule Public Hearing Date; Brook Run South Subdivision; SAD; Street Lighting. GTR Builders, Petitioner. Section 28.

Supervisor BRENNAN reviewed the request.

Public Portion: None

MOTION by KRZEMINSKI seconded by BUCCI to approve the request and schedule the Public Hearing Date for February 9th, 2005 for Special Assessment District for Street Lighting for the Brook Run South Subdivision. Section 28

MOTION carried.

17. Request to Schedule Public Hearing Date; Parkview Estates Subdivision; SAD; Street Lighting. GTR Builders, Petitioner. Section 23

Supervisor BRENNAN reviewed the request.

Public Portion: None

MOTION by KOEHS seconded by MALBURG to approve the request and schedule the Public Hearing Date for February 9th, 2005 for Special Assessment District for Street Lighting for the Parkview Estates Subdivision. Section 23

MOTION carried.

18. Request to Adopt Resolution No. 1; The Bluffs of Beaufait Farms Subdivision No. 2; SAD; Sedimentation Basin. Clark Andrews, Petitioner. Section 35

Supervisor BRENNAN reviewed the request.

Public Portion: None

MOTION by KRZEMINSKI seconded by MALBURG to Adopt Resolution No. 1 which establishes the Special Assessment District and sets a Public Hearing Date for February 9, 2005 for The Bluffs of Beaufait Farms Subdivision No. 2 Section 35; Special Assessment District; Sedimentation Basin as follows:

FOR THIS MOTION: KRZEMINSKI, MALBURG, BUCCI, NEVERS, DUNN, KOEHS, BRENNAN.

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OPPOSED: NONE

ABSENT: NONE

The Bluffs of Beaufait Farms Subdivision No. 2

RESOLUTION NO. 1

Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, Michigan, held in the Township Hall in said Township on January 12, 2005 at 7:00 o'clock P.M., Eastern Standard Time.

PRESENT: John D. Brennan, Michael D. Koehs, Marie E. Malburg, Dino F. Bucci, Jr., Janet Dunn, Roger Krzeminski, Nancy Nevers.

ABSENT: None.

The following preamble and resolution were offered by Member KRZEMINSKI and supported by Member MALBURG.

WHEREAS, final approval of The Bluffs of Beaufait Farms Subdivision No. 2 comprised of Lots 100-146, both inclusive, (the "Plat") has been requested by the proprietor(s) thereof; and

WHEREAS, the County Drain Commissioner of Macomb County (the "Drain Commissioner") and the Macomb Township Board (the "Township") have examined the Plat and are willing to approve it on the condition that Section 192(d) of Act 288 of 1967, (the "Act"), requiring that the proprietor(s) provide an adequate storm water detention, is satisfied; and

WHEREAS, proprietor intends to provide adequate storm water detention for the Plat by utilizing (a) sedimentation basin ("Sedimentation Basin") located in The Bluffs of Beaufait Farms Subdivision, which was designed and constructed to handle storm water from The Bluffs of Beaufait Farms and an additional adjacent subdivision that proprietor is currently developing as the Plat, entitled The Bluffs of Beaufait Farms No. 2, and (b) a settling basin ("Settling Basin") which has been constructed by proprietor as part of the Plat; and

WHEREAS, the Township has previously created a Special Assessment District for Storm Detention Basin maintenance after notice and hearing pursuant to Section 192 and 192a of 1967 PA 288, which Special Assessment District is evidenced by a Notice of Special Assessment District dated June 27, 2003 and recorded in Liber 13908, Pages 259-260, Macomb County Records as to The Bluffs of Beaufait Farms Subdivision; and

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WHEREAS, the Beaufait Farms Subdivision Association (the “Association”) and/or lot owners within the Plat benefited by the Settling Basin (specifically Lots 103-116), both inclusive, 121, and 132-146, both inclusive, referred to as “Benefited Lots”, the owners of which are referred to pursuant to an in accordance with the Declaration of Covenants and Restrictions for The Bluffs of Beaufait Farms Subdivision No. 2 which will be recorded with the Macomb County Register of Deeds coincident with the recording of the Plat; and

WHEREAS, in the event the Association and/or Benefited Owners refuse, fail, or neglect to maintain the Settling Basin which results in conditions threatening public health, safety or welfare, thus requiring the Township to abate such conditions; and if the Township expends funds to correct such conditions and/or to assume the cost of operating and maintaining the Settling Basin, it is desirable that a Special Assessment District be established which will enable the Township to spread the cost among all benefited properties located in the district; and

WHEREAS, it has been proposed that the special assessment levy for each Benefited Lot within the Plat be equal to the annual cost of operation and maintenance of the Settling Basin multiplied by the fraction, the numerator of which is one (1) and the denominator of which is 30, which is the total number of Benefited Lots in the Plat; and

WHEREAS, pursuant to Section 192a(2) and 192a(5) of the Act, proper notice must be given and hearing held on creation of the Special Assessment District and defraying the cost of operating and maintaining the Settling Basin by special assessment on the property benefited thereby.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE TOWNSHIP OF MACOMB, MACOMB COUNTY, MICHIGAN:

1. That subject to approval at a public meeting, the Township hereby declares a Special Assessment District pursuant to its authority granted by Section 192a of the Act and such Special Assessment District shall consist of the Benefited Lots within the Plat, as well as other land in the Beaufait Farms Subdivisions.

2. That the Township Board give notice of and hold a public hearing on February 9, 2005, on the creation of the Special Assessment District and objections thereto, including the defraying of the cost of operating and maintaining the Settling Basin by special assessment on the property benefited thereby, shall be discussed. The operation and maintenance of the Settling Basin shall include, but not be limited to the operation and maintenance, the cutting of grass and removal of weeds and other debris.

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3. That the Township Board be and hereby is authorized, empowered and directed to make, execute and deliver any and all instruments, papers and documents and to do and perform any and all acts and things which shall be or become necessary, proper, convenient, or desirable to carry out, put into effect or make operative any and all matters and things authorized or permitted to be done in the hereinabove resolution.

AYES: KRZEMINSKI, MALBURG, BUCCI, NEVERS, DUNN, KOEHS,
BRENNAN.

NAYS: NONE.

RESOLUTION DECLARED ADOPTED.

Michael D. Koehs, CMC
Macomb Township Clerk

CERTIFICATE OF CLERK

I hereby certify that the attached constitutes a true and complete copy of a resolution adopted by the Township Board of the Township of Macomb, County of Macomb, State of Michigan, at a Regular meeting held on January 12, 2005, and that public notice of said meeting was given pursuant to Act 267, Public Acts of Michigan, 1976, including in the case of a special or rescheduled meeting notice by publication or posting at least eighteen (18) hours prior to the time set for the meeting.

Michael D. Koehs, CMC
Macomb Township Clerk

DRAFTED BY:

RETURN TO:

Clark Andrews
12900 Hall Road, Suite 350
Sterling Heights, MI 48313-1151

WHEN RECORDED

Michael D. Koehs, Clerk
Macomb Township
54111 Broughton Road
Macomb, MI 48042

**MACOMB TOWNSHIP
NOTICE OF HEARING**

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
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**TO THE OWNERS AND PARTIES IN INTEREST OF BENEFITED LOTS
CONTAINED WITHIN THE PROPOSED BLUFFS OF BEAUFAIT FARMS NO.
2 (LOTS 103-116, BOTH INCLUSIVE, LOT 121 AND 132-146, BOTH
INCLUSIVE):**

PLEASE TAKE NOTICE that the Township Board of The Township of Macomb will hold a public hearing on Wednesday, February 9, 2005 at the Macomb Township Hall located at 54111 Broughton Road, Macomb Township, Michigan 48042, at 7:00 o'clock P.M., to hear any objections and comments on the establishment of a special assessment district to defray the cost of operating and maintaining the Settling Basin which shall include, but not be limited to, the cutting of grass and the removal of weeds and other debris. It is contemplated that the special assessment district shall be perpetual and an annual hearing will be held for review of costs anticipated to be incurred, the special assessment roll and the spread of assessment thereon.

Michael D. Koehs, CMC
Macomb Township Clerk

Macomb Daily
Please Publish:

February 3, 2005

RESOLUTION DECLARED ADOPTED.

19. Request to Adopt Resolution No. 1; The Bluffs of Beaufait Farms Subdivision No. 2 (shared with the Bluffs of Beaufait Subdivision); SAD; Sedimentation Basin. Clark Andrews, Petitioner. Section 35

Supervisor BRENNAN reviewed the request.

Public Portion: None

MOTION by DUNN seconded by MALBURG to Adopt Resolution No. 1 which establishes the Special Assessment District and sets a Public Hearing Date for February 9, 2005 for The Bluffs of Beaufait Farms Subdivision No. 2 Section 35 (shared with the Bluffs of Beaufait Subdivision); Special Assessment District; Sedimentation Basin as follows:

**FOR THIS MOTION: DUNN, MALBURG, NEVERS, BUCCI, KRZEMINSKI,
KOEHS, BRENNAN.**

OPPOSED: NONE

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ABSENT: NONE

The Bluffs of Beaufait Farms Subdivision No. 2

RESOLUTION NO. 1

Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, Michigan, held in the Township Hall in said Township on January 12, 2005 at 7:00 o'clock P.M., Eastern Standard Time.

PRESENT: John D. Brennan, Michael D. Koehs, Marie E. Malburg, Dino F. Bucci, Jr., Janet Dunn, Roger Krzeminski, Nancy Nevers.

ABSENT: None.

The following preamble and resolution were offered by Member DUNN and supported by Member MALBURG.

WHEREAS, final approval of The Bluffs of Beaufait Farms Subdivision No. 2 comprised of Lots 100-146, both inclusive, (the "Plat") has been requested by the proprietor(s) thereof; and

WHEREAS, the County Drain Commissioner of Macomb County (the "Drain Commissioner") and the Macomb Township Board (the "Township") have examined the Plat and are willing to approve it on the condition that Section 192(d) of Act 288 of 1967, (the "Act"), requiring that the proprietor(s) provide an adequate storm water detention, is satisfied; and

WHEREAS, proprietor intends to provide adequate storm water detention for the Plat by utilizing (a) the existing sedimentation basin ("Sedimentation Basin") located in The Bluffs of Beaufait Farms Subdivision, which proprietor had designed and constructed to handle storm water from The Bluffs of Beaufait Subdivision and an additional adjacent subdivision that proprietor is currently developing as the Plat, entitled "The Bluffs of Beaufait Farms No. 2, and (b) a settling basin ("Settling Basin") which proprietor has constructed by proprietor as part of the Plat improvements; and

WHEREAS, the Township has previously created a Special Assessment District for Storm Detention Basin maintenance for the Sedimentation Basin after notice and hearing pursuant to Section 192 and 192a of 1967 PA 288, which Special Assessment District is evidenced by a Notice of Special Assessment District dated June 27, 2003 and recorded in Liber 13908, Pages 259-260, Macomb County Records as to The Bluffs of Beaufait Farms; and

WHEREAS, the aforementioned Special Assessment District previously established b the Township authorizes the Township to maintain the Sedimentation Basin and spread the costs incurred by the Township if the Beaufait Farms Subdivision Association, (which association was established as the homeowner's association for the Beaufait Farms Subdivisions, including The Bluffs of Beaufait Farms and additional subdivisions developed by the proprietor as part of the Beaufait Farms development and is referred to as the "Association") and/or benefited lot owners refuse, fail, or neglect to maintain the Sedimentation Basin resulting in conditions threatening public health, safety, or welfare, thus requiring the Township to abate such conditions by expanding funds to correct such conditions; and

WHEREAS, the proprietor of the aforementioned The Bluffs of Beaufiat Farms has developed the Bluffs of Beaufait Farms No. 2 which contains some lots which contribute strom water to the existing Sedimentation Basin located in The Bluffs of Beaufait Farms, causing proprietor to provide in the Declartion of Covenants and Restrictions for The Bluffs of Beaufait Farms Subdivision No. 2 that benefited lots within The Bluffs of Beaufait Farms No. 2, shall be responsible for their proportionate share of the cost of maintaining and operating the Sedimentation Basin; and

WHEREAS, specifically, (a) Lots 1-99, both inclusive, in the Plat of The Bluffs of Beaufait Farms, and (b) Lots 100-102, both inclusive, 117-120, both inclusive, and 122-131, both inclusive, of the Plat of The Bluffs of Beaufait Farms No. 2 (collectively, "Benefited Lots") are benefited by the Sedimentation Basin located in The Bluffs of Beaufait Farms Subdivision; and

WHEREAS, lot owners with The Bluffs of Beaufait Farms No. 2 are required to be members of the Association and pay their proportionate share of the costs of maintenance and operation of the Sedimentation Basin as set forth in the Declaration of Covenants and Restrictions for The Bluffs of Beaufait Farms No. 2; and

WHEREAS, the Association and/or lot owners within The Bluffs of Beaufait Farms Subdivision and The Bluffs of Beaufait Farms No. 2 Subdivision are responsible for the maintenance and operation of the Sedimentation Basin serving The Bluffs of Beaufait Farms and the additional Benefited Lots which contribute storm water to the Sedimentation Basin in The Bluffs of Beaufait Farms Subdivision No. 2, pursuant to the Declaration of Ceovenats and Restrictions for The Bluffs of Beaufait Farms Subdivision, and The Bluffs of Beaufait Farms Subdivision No. 2 which will be recorded

WHEREAS, in the event the Association and/or the Benefited Lot owners within The Bluffs of Beaufait Farms and The Bluffs of Beaufait Farms No. 2 refuse, fail, or neglect to maintain the Sedimentation Basin which results in conditions

threatening public health, safety or welfare, thus requiring the Township to abate such conditions; and if the Township expends funds to correct such conditions and/or to assume the cost of operating and maintaining the Sedimentation Basin, it is desirable that a Special Assessment District be established which will enable the Township to spread the cost among all benefited properties located in the district; and

WHEREAS, it has been proposed that the special assessment levy for each Benefited Lot within The Bluffs of Beaufait Farms and The Bluffs of Beaufait Farms No. 2 Subdivisions be equal to the annual cost of operation and maintenance of the Sedimentation Basin multiplied by the fraction, the numerator of which is one (1) and the denominator of which is 116, which is the total number of Benefited Lots with The Bluffs of Beaufait Farms and the Bluffs of Beaufait Farms No. 2; and

WHEREAS, pursuant to Section 192a(2) and 192a(5) of the Act, proper notice must be given and hearing held on creation of the Special Assessment District and defraying the cost of operating and maintaining the Sedimentation Basin by special assessment on the property benefited thereby.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE TOWNSHIP OF MACOMB, MACOMB COUNTY, MICHIGAN:

1. That subject to approval at a public meeting, the Township hereby declares a Special Assessment District pursuant to its authority granted by Section 192a of the Act and such Special Assessment District shall consist of the property contained within the Special Assessment District.

2. That the Township Board give notice of and hold a public hearing on February 9, 2005, on the creation of the Special Assessment District and objections thereto, including the defraying of the cost of operating and maintaining the Sedimentation Basin by special assessment on the property benefited thereby, shall be discussed. The operation and maintenance of the Sedimentation Basin shall include, but not be limited to the operation and maintenance, the cutting of grass and removal of weeds and other debris.

3. That the Township Board be and hereby is authorized, empowered and directed to make, execute and deliver any and all instruments, papers and documents and to do and perform any and all acts and things which shall be or become necessary, proper, convenient, or desirable to carry out, put into effect or make operative any and all matters and things authorized or permitted to be done in the hereinabove resolution.

AYES: DUNN, MALBURG, NEVERS, BUCCI, KRZEMINSKI, KOEHS, BRENNAN.

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, JANUARY 12TH, 2005
AT 7:00 P.M.

NAYS: NONE.

RESOLUTION DECLARED ADOPTED.

Michael D. Koehs, CMC
Macomb Township Clerk

CERTIFICATE OF CLERK

I hereby certify that the attached constitutes a true and complete copy of a resolution adopted by the Township Board of the Township of Macomb, County of Macomb, State of Michigan, at a Regular meeting held on January 12, 2005, and that public notice of said meeting was given pursuant to Act 267, Public Acts of Michigan, 1976, including in the case of a special or rescheduled meeting notice by publication or posting at least eighteen (18) hours prior to the time set for the meeting.

Michael D. Koehs, CMC
Macomb Township Clerk

DRAFTED BY:

RETURN TO:
Clark Andrews
12900 Hall Road, Suite 350
Sterling Heights, MI 48313-1151

WHEN RECORDED

Michael D. Koehs, Clerk
Macomb Township
54111 Broughton Road
Macomb, MI 48042

**MACOMB TOWNSHIP
NOTICE OF HEARING**

**TO THE OWNERS AND PARTIES IN INTEREST OF BENEFITED LOTS
CONTAINED WITHIN THE PROPOSED "THE BLUFFS OF BEAUFIT
FARMS NO. 2 (LOTS 100-102, BOTH INCLUSIVE, LOTS 117-120, BOTH
INCLUSIVE) AND THE BLUFFS OF BEAUFIT FARMS (LOT 1-99):**

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, JANUARY 12TH, 2005
AT 7:00 P.M.

PLEASE TAKE NOTICE that the Township Board of The Township of Macomb will hold a public hearing on Wednesday, February 9, 2005 at the Macomb Township Hall located at 54111 Broughton Road, Macomb Township, Michigan 48042, at 7:00 o'clock P.M., to hear any objections and comments on the establishment of a special assessment district to defray the cost of operating and maintaining the Sedimentation Basin which shall include, but not be limited to, the cutting of grass and the removal of weeds and other debris. It is contemplated that the special assessment district shall be perpetual and an annual hearing will be held for review of costs anticipated to be incurred, the special assessment roll and the spread of assessment thereon.

The purpose of this public hearing is to consider establishing a special assessment district for the maintenance of the Sedimentation Basin which serves benefited lots in the proposed The Bluffs of Beaufait Farms No. 2, specifically Lots 100-102, both inclusive, Lots 117-120, both inclusive and Lots 122-131, both inclusive, along with all of the Lots in The Bluffs of Beaufait Farms, which Lots within The Bluffs of Beaufait Farms are already subject to a special assessment district for maintenance of the Sedimentation Basin

Michael D. Koehs, CMC
Macomb Township Clerk

Macomb Daily
Please Publish:

February 3, 2005

RESOLUTION DECLARED ADOPTED.

20. Temporary Certificate of Occupancy Request; Brann's Steakhouse; Section 32; Tangram Construction Services, Petitioner. Permanent Parcel No. 08-35-400-020

Supervisor BRENNAN reviewed the request.

Petitioner Present: Tom Doyle and Dale Bauer

Public Portion: None

MOTION by KOEHS seconded by BUCCI to approve the Temporary Certificate of Occupancy for Brann's Steakhouse to expire June 1, 2005. Permanent Parcel No. 08-35-400-020

MOTION carried.

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
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AT 7:00 P.M.

21. Request authorization for the Township Engineer to Design Trunk line Sanitary Sewer Extension; Extending east from the 24 Mile Road and Romeo Plank Road intersection to the proposed Bridgewater Estates Site Condos Fazal Khan & Associates, Petitioner. Section 17

James Van Tiflin, Township Engineer of Spalding DeDecker & Associates reviewed the request.

Public Portion: None

MOTION by DUNN seconded by KOEHS to approve the petitioners request asking the Township Engineers, Spalding DeDecker Associates, Inc., to design the trunk line sanitary sewer extending east from the 24 Mile Road and Romeo Plank Road intersection to the proposed Bridgewater Estates Subdivision. This motion is contingent on the developer depositing the required funds established by the Township Engineers to cover the cost involving the preparation to design the plan and easement documents. Section 17.

MOTION carried.

Addition:

- 21A. Temporary Certificate of Occupancy; Baker Machining and Mold Technologies; Located on the south side of Enterprise Drive, east of Corporate Drive. Permanent Parcel No. 08-20-104-005

Supervisor BRENNAN reviewed the request.

Petitioner Present: Scott Baker, Kevin Baker and Mark Gilewski

Public Portion: None

MOTION by KOEHS seconded by DUNN to approve the Temporary Certificate of Occupancy for Baker Machining & Mold Technologies to expire June 1, 2005. Permanent Parcel No. 08-20-104-005

MOTION carried.

22. Approve revocation of contract awarded to Jade Landscaping (awarded on October 13, 2004 in the amount of \$13,622.00) and authorize the Engineer to solicit new bids to complete remaining landscaping as required in the Lakeside Landings Subdivision. Permanent Parcel No. 08-31-276-005

Supervisor BRENNAN reviewed the request.

Petitioner: Not present

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AT 7:00 P.M.

Public Portion: None

MOTION by KRZEMINSKI seconded by NEVERS to revoke the contract awarded to Jade Landscaping on October 13, 2004 in the amount of Thirteen Thousand Six Hundred Twenty Two dollars and 00/100 (\$13,622.00) as recommended. Permanent Parcel No. 08-31-276-005

MOTION carried.

MOTION by KRZEMINSKI seconded by NEVERS to authorize the Township Engineers, Spalding DeDecker Associates, Inc., to solicit new bids to complete remaining landscaping as required in the Lakeside Landings Subdivision. Permanent Parcel No. 08-31-276-005

MOTION carried.

HUMAN RESOURCE DEPARTMENT:

Addition:

22A. Request to provide flu shot program for Township employees

John Brogowicz, Human Resource Director, reviewed the request.

Public Portion: None

MOTION by DUNN seconded by BUCCI to approve the request for St. John Occupational Health Partners to provide Influenza Vaccine (flu shots) for Township Employees. Township Employees will be responsible for fees pursuant to the Townships Sharing Agreement requiring the Township to pay ten dollars and 00/100 (\$10.00) per employee and requiring each individual Township Employee to pay Five dollars and 00/100 (\$5.00) per vaccination.

MOTION carried.

FIRE DEPARTMENT:

23. Request permission for Captain Myny to attend Fire Inspector Seminar

Chief Raymond Ahonen reviewed the request.

Public Portion: None

MOTION by KOEHS seconded by NEVERS to approve the request for Captain David Myny to attend the annual Michigan Fire Inspection Seminar beginning

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
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AT 7:00 P.M.

February 8th and ending February 9th, 2005. This approval will include the payment of the class, total cost of Two Hundred Twenty Five dollars and 00/100 (\$225.00); Lodging fee for one night, total cost Eighty Seven dollars and 00/100 (\$87.00). Meals and mileage will be provided pursuant to the Township Travel Expense Policy.

MOTION carried.

WATER & SEWER DEPARTMENT:

24. Request to Purchase Work Zone Traffic Equipment

David Koss, Water & Sewer Department Superintendent, reviewed the request.

Public Portion: None

MOTION by KOEHS seconded by NEVERS to approve the request to Purchase new replacement Work Zone Traffic Control Equipment Signage for the right-of-way construction activities and emergency operations through National Equipment Services for the total cost of Four Thousand One Hundred Two dollars and 40/100 (\$4,102.00) as submitted.

MOTION carried.

25. Request to Replace Sewage Pumps at Station 7 and Station 9

David Koss, Water & Sewer Department Superintendent, reviewed the request.

Public Portion: None

MOTION by KOEHS seconded by NEVERS to approve the request to purchase replacement of sewage pumps at stations 7 and 9 from Kennedy Industries for the total cost of Fifty Seven Thousand Seven Hundred Fifty dollars and 00/100 (\$57,750.00) as submitted.

MOTION carried.

26. Approval of Purchase Requisitions:
A. Contractors Connection
B. East Jordan Iron Works

David Koss, Water & Sewer Department Superintendent, reviewed the request.

Public Portion: None

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MOTION by DUNN seconded by MALBURG to approve the purchase requisition request through Contractors Connection for Tsurumi 3” Trash Pumps w/Honda engines materials for the total cost of Two Thousand Two Hundred Sixty dollars and 00/100 (\$2,260.00) as submitted.

MOTION carried.

MOTION by DUNN seconded by KOEHS to approve the purchase requisition request through East Jordan Iron Works for Hydrant repairs for the total cost of One Thousand Forty Two dollars and 16/100 (\$1,042.16) as submitted.

MOTION carried.

BOARD COMMENTS:

27. Supervisor Comments: None

28. Clerk Comments:

A. Advisory Vote regarding School Election Consolidation

Addition: B. Request to Adopt Liquor License Transfer; Lek Dekaj (Previously considered for approval contingent upon the application receiving final Certificate of Occupancy approval from the Township)

Clerk KOEHS reviewed the requests.

Public Portion: None

MOTION by KRZEMINSKI seconded by NEVERS to deny the request submitted by the Macomb County Clerk and to permit the Township to “opt out” of running the School Elections.

AYES: KRZEMINSKI, NEVERS, BUCCI, DUNN, KOEHS, MALBURG, BRENNAN.

NAYS: NONE

OPPOSED: NONE

MOTION carried.

MOTION by KOEHS seconded by DUNN to approve the Liquor License Transfer; Lek Dekaj as follows:

FOR THIS MOTION: KOEHS, DUNN, NENVERS, MALBURG, BUCCI, KRZEMINSKI, BRENNAN.

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AT 7:00 P.M.

OPPOSED: NONE

ABSENT: NONE

**STATE OF MICHIGAN
DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
LIQUOR CONTROL COMMISSION**

RESOLUTION

At a regular meeting of the Macomb Township Board of Trustees called to order by
Supervisor John Brennan on January 12, 2005 at 7:00 p.m. the following resolution was
offered:

Moved by Michael Koehs and supported by Janet Dunn

That the request from LEK DEKAJ. TO TRANSFER OWNERSHIP OF 2000 CLASS C LICENSED
BUSINESS; LOCATED IN ESCROW AT 30700 VAN DYKE, WARREN ,MI 48093, MACOMB
COUNTY, FROM STEAK AND ALE OF MICHIGAN, INC. (A TEXAS CORPORATION); AND
TRANSFER LOCATION GOVERNMENTAL UNIT) (MCL 436.1531(1)) TO 16780 TWENTY ONE
MILE, MACOMB, MI 48044, MACOMB TOWNSHIP, MACOMB COUNTY.

APPROVAL

DISAPPROVAL

Yeas: KOEHS, DUNN, NEVERS, MALBURG
BUCCI, KRZEMINSKI, BRENNAN

Yeas: NONE

Nays: NONE

Nays: NONE

Absent: NONE

Absent: NONE

It is the consensus of this legislative body that the application be:

RECOMMENDED for issuance.

STATE OF MICHIGAN
§
COUNTY OF MACOMB

I hereby certify that the foregoing is a true and complete copy of a resolution offered and
adopted by the Macomb Township Board of Trustees at a regular meeting held on January
12, 2005.

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, JANUARY 12TH, 2005
AT 7:00 P.M.

SEAL

(Signed) _____

Michael D. Koehs, CMC
Macomb Township Clerk
54111 Broughton Road
Macomb, MI 48042

RESOLUTION DECLARED ADOPTED.

29. Treasurer Comments: None

30. Trustees Comments: None

EXECUTIVE SESSION:

MOTION by KRZEMINSKI seconded by KOEHS to adjourn into executive session at 7:48 p.m.

MOTION carried. *The Board reconvened at 8:05 p.m.*

31. 24 Mile Road Condemnation

MOTION by KOEHS seconded by BUCCI to authorize Larry Dloski, legal counsel to sign the consent judgment with Hope Community Lutheran Church relating to their parcel of land; the Sunoco Oil Company involving both of their easements and continue negotiations on the remaining Stark Family parcel.

MOTION carried.

32. Request to Retire – James L. Smith

MOTION by KOEHS seconded by KRZEMINSKI to accept James L. Smith's letter of resignation for medical reasons. Effective Date January 1st, 2005

MOTION carried.

33. Elro Corporation v Township of Macomb

MOTION by KOEHS seconded by KRZEMINSKI to authorize Larry Dloski, Legal Counsel to sign the consent Judgment with Elro Corporation.

MOTION carried.

ADJOURNMENT:

MOTION by DUNN seconded by BUCCI to adjourn the meeting at 8:07 p.m.

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, JANUARY 12TH, 2005
AT 7:00 P.M.

MOTION carried.

Respectfully,

John D. Brennan, Supervisor

Michael D. Koehs, CMC
Macomb Township Clerk
MDK/gmb